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MINNESOTA

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COMMITTEES:
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AND TRANSPORTATION
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JUDICIARY
RULES AND ADMINISTRATION

United States Senate

WASHINGTON, DC 20510

September 24, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy:

I write to you with deep concern about recent revelations that Volkswagen willfully deceived regulators and the general public through the development and installation of a "defeat device" on nearly 500,000 Model Year 2009-2015 Volkswagen and Audi diesel passenger vehicles. These devices hid levels of nitrogen oxides as high as 40 times that of allowable U.S. emissions standards.

The impacts of this deception will continue to emerge as more is uncovered about Volkswagen's actions. It will be increasingly important that the Environmental Protection Agency (EPA) coordinate with the Department of Justice, the Federal Trade Commission (FTC) and other federal agencies to minimize any threat to public health, restore consumer confidence, and rebuild the American people's trust in federal agencies charged with implementing and enforcing public health and safety laws are effectively doing their job.

Recent news reports indicate that these emissions discrepancies were first uncovered by a group of researchers at West Virginia University and not through the EPA's testing processes.

- Did the EPA test the vehicle models now identified as having the defeat devices installed?
- Does the EPA's testing processes include road testing of vehicles in normal driving conditions?
- When a light-duty vehicle manufacturer submits a certificate of conformity to meet emission standards requirements, how does the EPA verify the data that the manufacturer submits are accurate?
- What changes are being pursued by the EPA to enhance testing systems to ensure they are able to identify deceptive software in the future?

Volkswagen's actions raise significant consumer and environmental concerns. Volkswagen knowingly misled consumers who believed they were buying a vehicle that provided premium fuel economy and performance and also met strict emissions standards. These consumers deserve recourse for financial losses, both for necessary repairs and for the diminished resale value of these vehicles. I urge the EPA and the Department of Justice to coordinate efforts on any civil or criminal actions necessary or appropriate to make it clear that these violations and deceptions will not be tolerated. The FTC is responsible for promoting consumer protection and enforcing laws prohibiting deceptive practices and thus should also play a role in this investigation.

- To what extent is the EPA coordinating with the U.S. Department of Transportation, FTC, and other appropriate agencies?
- Is the EPA committed to strongly enforcing both its criminal and civil authorities under the Clean Air Act?
- What tools are available to consumers to recover costs from financial losses stemming from Volkswagen's actions?

The EPA has within its authority under section 207 of the Clean Air Act to require a manufacturer to issue a recall if the agency determines a substantial number of vehicles do not comply with regulations.

- Under what circumstances will the EPA compel a recall of these vehicles?
- How will the EPA ensure that a recall is broad enough in scope and covers all affected models?
- How will the EPA inform vehicle owners that their vehicle is included in a recall and that they have the information necessary about when and where to go get their vehicle fixed?
- Will the EPA compel Volkswagen to make every effort to reach current vehicle owners who may not be the original owner of the vehicle?

I have worked to advance plans to cut greenhouse gas emissions from passenger vehicles and have fought for strengthening consumer protection. I urge the EPA to work closely with other agencies to address the environmental, health and consumer protection concerns caused by Volkswagen's actions. I look forward to the EPA's response to these concerns and questions.

Sincerely,

A handwritten signature in black ink, reading "Amy Klobuchar". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Amy Klobuchar
United States Senator